

RESOLUTION NO. 00-5

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FORT ORD REUSE AUTHORITY CERTIFYING THE NEGATIVE DECLARATION ISSUED FOR THE MEMORANDUM OF AGREEMENT WITH THE U.S. ARMY GUIDING THE CONVEYANCE OF APPROXIMATELY 5,300 ACRES OF THE FORMER FORT ORD LANDS.

THE BOARD OF DIRECTORS OF THE FORT ORD REUSE AUTHORITY FINDS AS FOLLOWS:

A. General Findings.

1. The Fort Ord Reuse Authority (FORA) is a governmental entity organized under the laws of the State of California with specific duties, powers, and responsibilities. One of the express powers and duties of the FORA is to facilitate the conversion of the former Fort Ord military base into civilian use. FORA is a specifically designated local reuse authority for transfer of property by the United States Department of the Army.

2. On June 13, 1997, the FORA adopted a Base Reuse Plan (BRP) as specified in state law and certified a program level Environmental Impact Report.

3. FORA, pursuant to the Base Reuse Plan, submitted an Economic Development Conveyance request to the U.S. Army for approximately 5,300 acres of former Fort Ord lands on or about September 1997.

4. The proposed project consists of the execution of a Memorandum of Agreement with the Army, which will guide the subsequent transfers of property pursuant to the Economic Development Conveyance laws.

5. The proposed Memorandum of Agreement has been prepared and submitted to the Board of Directors of the FORA. The Board of Directors has received public testimony and evidence relevant to the proposed Memorandum of Agreement and its attendant mitigated Negative Declaration during the hearing process.

6. The Memorandum of Agreement, as evaluated by the initial study is a general planning document that guides the transfer of lands that were previously analyzed in the Base Reuse Plan. The Memorandum of Agreement does not directly approve any specific development project or improvement or any other plan, program, or project that involves physical development on the property within the boundaries of the former Fort Ord.

7. The proposed project will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been recommended for approval by staff. Potential environmental effects have been studied and there is no substantial evidence in the record as a whole that supports a fair argument that the project, as designed and mitigated by the policies and procedures contained in the BRP, the FORA Master Resolution, in particular Chapter 8, and the Habitat Management Plan (HMP), and subsequent environmental review of any future project as required by the California Environmental Quality Act (hereinafter "CEQA"), may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment of the Board of Directors based upon consideration of testimony and information received.

8. The FORA Board of Directors further finds that there have been no changes to the environment since the environmental analysis of the BRP.

6. On or about April 14, 2000, the Board extended the comment period on the Negative Declaration to 4:00 PM on May 4, 2000, in order to allow the public additional time in which to review the Memorandum of Agreement.

7. At 4:00 PM on May 4, 2000, the public comment period ended and the Mitigated Negative Declaration was readied for certification at the May 12, 2000 FORA Board meeting.

8. The Initial Study identified that all significant environmental impacts related to the execution of the Memorandum of Agreement had been studied by a previous Environmental Impact Report in June of 1997 and mitigated to a less than significant impact. It was determined that there were no changed circumstances relevant to the signing of a Memorandum of Agreement with the U.S. Army detailing conveyance mechanisms for the Fort Ord lands detailed on the map and data listing included in the Memorandum of Agreement.

9. The Mitigated Negative Declaration is to be certified with the knowledge that execution of the Habitat Management Plan and the policies and prior mitigations identified in the Base Reuse Plan adopted in June 1997 would fully mitigate any impacts caused by the execution of the Memorandum of Agreement with the Army for the transfer of lands.

10. The Board of Directors further finds that there is no substantial evidence which supports an argument of changed circumstances from the adoption of the Base Reuse Plan or rises to a level of significance.

The Board of Directors of the Fort Ord Reuse Authority resolves as follows:

1. The Board of Directors certifies the Mitigated Negative Declaration, including its concomitant components as described in this Resolution, adequately describes the environmental consequences of the execution of the Memorandum of Agreement with the Army and has been completed in compliance with state law.

On motion of Board Member Mayor Barlick, Seconded by Board Member Mancini, this resolution is adopted this 12th day of May, 2000, by the following vote:

AYES: 11
NOES: 0
ABSENT: 2

I, EDITH JOHNSEN, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered in the minutes thereof at Items 6a(i) [Negative Declaration] and 6a(ii) [Memorandum of Agreement] of the proceedings of the Fort Ord Reuse Authority's board meeting of May 12, 2000.

DATE:

5-12-00

BY:

Edith Johnson

EDITH JOHNSEN
Chair, Board of Directors
Fort Ord Reuse Authority

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6. The Memorandum of Agreement, as evaluated by the initial study is a general planning document that guides the transfer of lands that were previously analyzed in the Base Reuse Plan. The Memorandum of Agreement does not directly approve any specific development project or improvement or any other plan, program, or project that involves physical development on the property within the boundaries of the former Fort Ord.

7. The proposed project will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been recommended for approval by staff. Potential environmental effects have been studied and there is no substantial evidence in the record as a whole that supports a fair argument that the project, as designed and mitigated by the policies and procedures contained in the BRP, the FORA Master Resolution, in particular Chapter 8, and the Habitat Management Plan (HMP), and subsequent environmental review of any future project as required by the California Environmental Quality Act (hereinafter "CEQA"), may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment of the Board of Directors based upon consideration of testimony and information received.

8. The FORA Board of Directors further finds that there have been no changes to the environment since the environmental analysis of the BRP.

9. The FORA Board of Directors further finds that execution of the Memorandum of Agreement will not direct the U.S. Army to take any specific clean-up actions, such as burning.

B. Evidence.

1. The evidence in support of the findings contained in this resolution is found in the record of proceedings on file in the offices of FORA. This record of proceedings consist of the following documents:

- a. Notice of Preparation
- b. Initial Study
- c. Comments in response to the Notices of October 20, 1999, and March 22, 2000
- d. BRP adopted June 1997
- e. Final Environmental Impact Report certifying the BRP and its concomitant components
- f. Habitat Management Plan
- g. U.S. Army EIS Track 0 properties
- h. All general files related thereto
- i. Responses to comments and data in Items 6a(i) [Negative Declaration] and 6a(ii) [Memorandum of Agreement] of the May 12, 2000 FORA Board Meeting agenda

C. Findings Relevant to the Certification of the Mitigated Negative Declaration

1. On October 20, 1999, the staff at FORA issued a Statement of Determination/Preparation prepared in accordance with the state law stating that a project be evaluated. The Notice was sent to the California Office of Planning and Research State Clearinghouse and each responsible agency, federal agency and trustee agency as required by law, as well as to interested agencies, individuals, and jurisdictions. The Notice of Preparation described the proposed project, the location of the project and the general impact sufficiently to permit a response. The proposed assessment of the environmental impact of the Memorandum of Agreement was assigned State Clearinghouse Number (SCH) 99101136.

2. On October 19, 1999, FORA issued a Notice of Public Hearing in accordance with state law to all organizations and individuals who had previously requested such notice and released for circulation the Initial Study and negative declaration for a period of thirty (30) days, commencing on October 19, 1999. The initial study included a map of the lands to be affected by the Memorandum of Agreement.

3. On or about October 19, 1999, the FORA staff caused to be delivered copies of the Initial Study and Negative Declaration to each City Hall for the Cities of Carmel-by-the-Sea, Del Rey Oaks, Sand City, Salinas, Marina, Monterey, Pacific Grove, Seaside and the County of Monterey.

4. The review and comment period was extended two times by the Board of Directors at the request of several individuals and entities.

5. On or about March 22, 2000 the Memorandum of Agreement, which had been a confidential document, was released for public review as authorized by the FORA Board.

6. On or about April 14, 2000, the Board extended the comment period on the Negative Declaration to 4:00 PM on May 4, 2000, in order to allow the public additional time in which to review the Memorandum of Agreement.

7. At 4:00 PM on May 4, 2000, the public comment period ended and the Mitigated Negative Declaration was readied for certification at the May 12, 2000 FORA Board meeting.

8. The Initial Study identified that all significant environmental impacts related to the execution of the Memorandum of Agreement had been studied by a previous Environmental Impact Report in June of 1997 and mitigated to a less than significant impact. It was determined that there were no changed circumstances relevant to the signing of a Memorandum of Agreement with the U.S. Army detailing conveyance mechanisms for the Fort Ord lands detailed on the map and data listing included in the Memorandum of Agreement.

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The Board of Directors of the Fort Ord Reuse Authority resolves as follows:

1. The Board of Directors certifies the Mitigated Negative Declaration, including its concomitant components as described in this Resolution, adequately describes the environmental consequences of the execution of the Memorandum of Agreement with the Army and has been completed in compliance with state law.

On motion of Board Member Mayor Barlick, Seconded by Board Member Mancini, this resolution is adopted this 12th day of May, 2000, by the following vote:

AYES: 11
NOES: 0
ABSENT: 2

I, EDITH JOHNSEN, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered in the minutes thereof at Items 6a(i) [Negative Declaration] and 6a(ii) [Memorandum of Agreement] of the proceedings of the Fort Ord Reuse Authority's board meeting of May 12, 2000.

DATE: 5-12-00

BY: Edith Johnsen

EDITH JOHNSEN
Chair, Board of Directors
Fort Ord Reuse Authority